UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

CHARLES K. MORRIS,)	
Plaintiff,)	Case No. 1:25-cv-126
v.)	Case No. 1:23-cv-120
v.)	Judge Atchley
DIRECT EXPRESS PAYMENT)	Magistrate Judge Dumitru
PROCESSING SERVICE and)	
COMERICA BANK,)	
)	
Defendants.)	

ORDER

On May 14, 2025, United States Magistrate Judge Michael J. Dumitru filed a Report and Recommendation [Doc. 5] pursuant to 28 U.S.C. § 636 and the Rules of this Court. The Magistrate Judge recommends that this case be dismissed without prejudice due to Plaintiff's failure to prosecute and failure to comply with a prior order of the Court. The Magistrate Judge further recommends that Plaintiff's Application to Proceed *In Forma Pauperis* [Doc. 1] be denied as moot with no filing fee assessed. Plaintiff has not filed an objection to the Report and Recommendation. The Court has nonetheless reviewed the Report and Recommendation, as well as the record, and agrees with Magistrate Judge Dumitru's well-reasoned conclusions.

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¹ On April 17, 2025, the Court entered an Order advising Plaintiff that both his IFP Application and the Complaint were deficient. [Doc. 4]. Accordingly, the Court ordered Plaintiff to file a new IFP Application and an Amended Complaint on or before May 8, 2025. After Plaintiff failed to meet this deadline, Magistrate Judge Dumitru filed the Report and Recommendation currently before the undersigned.

² Magistrate Judge Dumitru advised that the parties had 14 days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. (Doc. 5 at 2 n.1); see FED. R. CIV. P. 72(b)(2); see also Thomas v. Arn, 474 U.S. 140, 148–51 (1985) ("It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.").

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Dumitru's findings of fact and conclusions of law as set forth in the Report and Recommendation [Doc. 5]. This case is hereby **DISMISSED WITHOUT PREJUDICE**. Plaintiff's pending Application to Proceed *In Forma Pauperis* [Doc. 1] is **DENIED AS MOOT** with no filing fee assessed. A separate judgment will enter.

SO ORDERED.

/s/ Charles E. Atchley, Jr.

CHARLES E. ATCHLEY, JR. UNITED STATES DISTRICT JUDGE